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Attorney for Respondent

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

JON ARNOLD WOODARD,)	
)	
Petitioner,)	Case No. 3:05-cv-00089- TMB-JDR
)	
vs.)	
)	
JOHN CRAIG TURNBULL,)	<u>AFFIDAVIT SUPPORTING NON-</u>
)	<u>OPPOSED MOTION FOR</u>
)	<u>ACCEPTANCE OF OVERLENGTH</u>
)	<u>MERITS BRIEF</u>
Respondent.)	(On Shortened Time)
_____)	

W. H. Hawley, being first duly sworn, deposes and states:

1. I represent the respondent.
2. I prepared the state's response to Woodard's merits brief. The response is about 49 pages overlength.
3. This case involves a two-month long trial – perhaps the longest trial in the history of the state. The transcript is more than 8,000 pages

long, not including the grand jury transcript, and the record is lengthy as the trial judge issued several written decisions, some of them quite detailed, dealing with the issues raised in Woodard's petition. The decision of the Alaska Court of Appeals is 147 pages long. It is by far the longest opinion ever issued by that court.

4. The claims raised by Woodard also involve a post-conviction action in state court that involves an evidentiary hearing and separate transcripts, a separate record, and a separate opinion of the Alaska Court of Appeals.

5. Woodard has raised a relatively large number of habeas claims that are addressed in the state's brief. The undersigned does not recall any habeas case in Alaska that has had as many merit issues.

6. Woodard's 22-page merits brief raises his claims, but is conclusory and frequently does not consider or cite the proceedings in the trial court. It has been necessary to outline the evidence at grand jury, pretrial hearings, at trial, and in the post-conviction action in order to respond to Woodard's arguments. If the state did not set forth the evidence available to the trial judge and to the Alaska Court of Appeals, its arguments could not be understood.

7. My supervisor reviewed this brief twice and revised it some, but otherwise believed that the length was necessary for presenting the state's


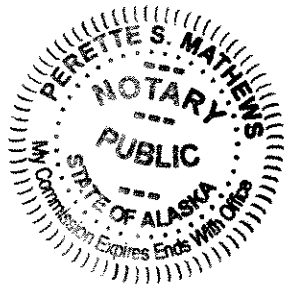
arguments. He felt the brief set forth the state's arguments in an efficient manner.

8. Opposing counsel, Hugh Fleischer, does not oppose the overlength response.

Further your affiant sayeth naught.



SUBSCRIBED AND SWORN to before me this 18th day of March,
2007.


Notary Public in and for Alaska